

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

----- X  
SNMP RESEARCH, INC. and SNMP  
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC.; BROCADE  
COMMUNICATIONS SYSTEMS LLC; and  
EXTREME NETWORKS, INC.,

Defendants.  
----- X

Case No. 3:20-cv-00451-CEA-DCP

U.S. District Judge Charles E. Atchley

**JOINT MOTION FOR LEAVE  
TO FILE DOCUMENTS UNDER SEAL**

Plaintiffs SNMP Research, Inc. and SNMP Research International, Inc. (“Plaintiffs”) and Defendant Extreme Networks, Inc. (“Extreme,” collectively, “the parties”), by and through their counsel, pursuant to Federal Rule of Procedure 5.2, Local Rule 26.2, this Court’s Memorandum and Order Regarding Sealing Confidential Information (ECF No. 11) (“Sealing Order”), and this Court’s March 31, 2023 Order (ECF No. 270), jointly seek leave of this Court to submit Extreme’s Memorandum of Law in Support of its Motion to Dismiss the Amended Complaint (the “Memorandum of Law”) in redacted form, and to file Exhibit 2 to the Declaration of Leslie A. Demers in Support of Extreme’s Motion to Dismiss the Amended Complaint (“Exhibit 2 to the Demers Declaration”) under seal.

In its prior Motion for Leave to File Documents Under Seal (ECF No. 259), Extreme submitted proposed public versions of the Memorandum of Law and Exhibit 2 to the Demers Declaration which redacted and/or sealed material previously sealed by Plaintiffs, but did not independently request or support sealing: (1) quotations from a license agreement between

Extreme and Plaintiffs; and (2) information pertaining to financial elements of Plaintiffs' pricing terms, including pricing. (*See* ECF No. 245.) On March 30, 2023, Plaintiffs filed a response to Extreme's motion supporting in part Extreme's proposed redactions to the Memorandum of Law, and supporting Extreme's request to file Exhibit 2 to the Demers Declaration under seal. (ECF No. 269.) Plaintiffs indicated that they would not seek to seal quotations from the license agreement between Extreme and Plaintiffs other than those pertaining to Plaintiffs' pricing or related financial terms. On March 31, 2023, the Court denied Extreme's motion and ordered the parties to make the instant submission. (ECF No. 270.)

The parties now move jointly for leave to file a redacted version of the Memorandum of Law because pages i, 1-3, 15-19, and 24 of the Memorandum of Law contain financial and pricing information that Plaintiffs have maintained is commercially sensitive. The material sought to be redacted from the Memorandum of Law is consistent with the proposed redactions set forth in Plaintiffs' Response to Extreme's Motion for Leave to File Documents Under Seal (ECF No. 269); the proposed redactions therefore adhere to this Court's March 31, 2023 Order (ECF No. 270) denying that motion and ordering the filing of the instant Motion.

The parties<sup>1</sup> further move to file Exhibit 2 to the Demers Declaration, excerpts of the Software Service Agreement dated October 16, 2001 by and between Extreme and Plaintiffs, under seal in its entirety because the excerpted portions of this agreement reflected in Exhibit 2 disclose commercially sensitive financial elements of Plaintiffs' agreements with customers, including commercially sensitive negotiated terms and conditions and pricing. The parties continue to be

---

<sup>1</sup> As set forth in Extreme's prior Motion for Leave to file Exhibit 2 to the Demers Declaration under seal (ECF No. 259), Extreme does not have an independent reason to request that Exhibit 2 be sealed, but joins in the instant request insofar as Plaintiffs have maintained that Exhibit 2 contains commercially sensitive information.

mindful of the Court's instruction to be "very selective in the information they seek to seal." (ECF No. 81 at 3.) Here, Plaintiffs have sought to seal the same and similar agreements and related information in the past (*see* ECF Nos. 2, 3, 50, 51-3, 223, 224-2, 245), and the Court has previously granted those motions. (*See* ECF Nos. 89, 227, 247).

Pursuant to Local Rule 26.2 and the Court's Sealing Order, the parties are publicly filing a redacted version of the Memorandum of Law as Exhibit A to this Motion, and a fully redacted version of Exhibit 2 to the Demers Declaration as Exhibit B to this Motion. Additionally, as required by the Sealing Order, unredacted versions of the Memorandum of Law and Exhibit 2 to the Demers Declaration are being filed under seal, with the portions of the Memorandum of Law proposed to be redacted highlighted.

WHEREFORE, the parties respectfully request that this Court grant this Motion and seal the redacted portions of the Memorandum of Law and Exhibit 2 to the Demers Declaration.

DATED: April 4, 2023  
New York, New York

Respectfully Submitted,

/s/ John L. Wood

/s/ Leslie A. Demers

John L. Wood, Esq. (BPR #027642)  
Cheryl G. Rice, Esq. (BPR #021145)  
Rameen J. Nasrollahi, Esq. (BPR #033458)  
EGERTON, McAFEE, ARMISTEAD &  
DAVIS, P.C.  
900 S. Gay Street, Suite 1400  
P.O. Box 2047  
Knoxville, TN 37902  
(865) 546-0500 (phone)  
(865) 525-5293 (facsimile)  
jwood@emlaw.com  
crice@emlaw.com  
rnasrollahi@emlaw.com

J. Chadwick Hatmaker, BPR# 018693  
Kaitlyn E. Hutcherson, BPR# 035188  
WOOLFE, MCLANE, BRIGHT,  
ALLEN & CARPENTER, PLLC  
Post Office Box 900  
Knoxville, Tennessee 37901-0900  
Tel: (865) 215-1000  
Fax: (865) 215-1001  
chatmaker@wmbac.com  
khutcherson@wmbac.com

John M. Neukom (*admitted pro hac vice*)  
Barbara N. Barath (*admitted pro hac vice*)  
DEBEVOISE & PLIMPTON LLP

A. Matthew Ashley (CA Bar. No. 198235)  
Morgan Chu (CA Bar. No. 70446)  
David Nimmer (CA Bar. No. 97170)  
Olivia Weber (CA Bar. No. 319918)  
IRELL & MANELLA LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
(310) 277-1010 (phone)  
(310) 203-7199 (facsimile)  
mchu@irell.com  
dnimmer@irell.com  
mashley@irell.com

*Attorneys for Plaintiffs*  
*SNMP Research International, Inc.*  
*SNMP Research, Inc.*

650 California Street  
San Francisco, California 94108  
jneukom@debevoise.com  
bnbarath@debevoise.com  
(415) 738-5700

Leslie A. Demers (*admitted pro hac vice*)  
Chris J. Coulson (*admitted pro hac vice*)  
Anthony P. Biondo (*admitted pro hac vice*)  
Ryan P. Bisailon (*admitted pro hac vice*)  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
One Manhattan West  
New York, New York 10001  
leslie.demers@skadden.com  
chris.coulson@skadden.com  
anthony.biondo@skadden.com  
ryan.bisailon@skadden.com  
(212) 735-3000

*Attorneys for Extreme Networks, Inc.*